

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Pending before the Court is Defendants' Motion to Alter or Amend Judgment (ECF No. 42), in which Defendants request that the Court amend its Order on Plaintiff's Motion for Reconsideration (ECF No. 41). Plaintiff filed a Response (ECF No. 43), to which Defendants replied (ECF No. 44).

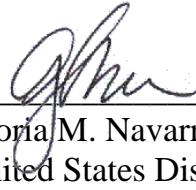
Defendants' Motion is not truly a Motion to Alter or Amend Judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, as they are requesting amendment of an interlocutory order, not a final judgment. Rather, Defendants are asking that the Court reconsider and amend its earlier interlocutory Order. The Court may make such amendments due to its "inherent procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to be sufficient," *City of L.A., Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001) (internal citation omitted); *see* Fed. R. Civ. P. 54(b) (stipulating that "any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities").

However, there is no reason for the Court to reconsider its earlier Order in this

1 instance. Defendants provide no new evidence, cite to no intervening change in controlling
2 law, and appear to be simply rearticulating the same arguments they briefed with regard to
3 the initial Motion to Dismiss (ECF No. 13) and the subsequent Motion for Reconsideration
4 (ECF No. 27). Consequently, Defendants' inappropriately named Motion to Alter or Amend
5 Judgment will be DENIED with prejudice.

6 **IT IS HEREBY ORDERED** that Defendants' Motion to Alter or Amend Judgment
7 (ECF No. 42) is **DENIED with prejudice**.

8 DATED this 3rd day of May, 2011.

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11 Gloria M. Navarro
12 United States District Judge
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